

REMARKS

The specification has been amended to identify the correct filing date for the provisional to which priority is claimed and to correct a typographical error. No new matter has been added.

Claims 1-41 are pending. Claims 3, 6-8 and 10-29 are withdrawn from consideration. New dependent claims 30-41 have been added. The amended and new claims are supported throughout the application, e.g., at page 5, lines 7-8; page 17, line 20 to page 23, line 26; page 19, lines 5-10. Claims 1, 2, 4, 5, 9 and 30-41 are under examination.

Oath

A revised Declaration, identifying the correct filing date for the provisional to which priority is claimed, is submitted herewith.

Objections to the Specification

The specification has been amended to identify the correct filing date for the provisional to which priority is claimed, and to correct a typographical error on page 8, line 21, as requested by the Examiner.

IDS

The Examiner states that reference AI of the IDS filed 01/07/02 could not be found. Another copy of reference AI is being submitted herewith, along with another copy of the PTO Form 1449 of the IDS. Applicants respectfully request that the Examiner initial on line AI and return the initialed PTO Form 1449.

Rejections Under 35 USC sec. 112, Second Paragraph

Claims 2 and 5 are rejected as indefinite. Claim 2 has been amended to provide proper antecedent basis. Claim 5 has been amended to delete the redundant recitation of "fragments thereof." The present amendments overcome the rejection; therefore, Applicants respectfully request that this rejection be withdrawn.

Rejections Under 35 USC sec. 103

Claims 1, 2, 4, 5 and 9 are rejected as unpatentable over Van Zaanen in view of Masellis-Smith and Lokhorst and Owens. This rejection is respectfully traversed.

The primary reference for all of the rejections under 35 U.S.C. §103 is Van Zaanen. Van Zaanen is not available as prior art against the present application because Applicants conceived the claimed invention prior to the effective publication date of this reference and diligently thereafter reduced the invention to practice. Van Zaanen, as shown by the attached date stamped copy, has a publication date of August 18, 1998. As stated in the enclosed Declaration of Dr. Gregory Mundy under 37 CFR 1.131, Applicants conceived the claimed invention prior to August 18, 1998, and diligently reduced the invention to practice thereafter. Therefore, Van Zaanen is not available as prior art against the present claims. Without Van Zaanen, a *prima facie* case of obviousness clearly cannot be made. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Rejections Under 35 USC 101

Claims 1, 2, 4, 5 and 9 are provisionally rejected for statutory double patenting over claims 1, 2, 4, 5 and 11 of U.S.S.N. 09/943,659. Once the claims of the present application are deemed allowable, Applicants will address this rejection by canceling or amending the relevant claims of U.S.S.N. 09/943,659, or taking other appropriate action.